

Trigger warning

Some of the examples provided in this resource are simply examples of poor working conditions, and some are serious sexual assault crimes.

Please contact SWOP NSW if you feel any of these conditions may apply to your experience at work. If any of the following examples cause distress, please feel free to reach out to our friendly outreach team via SWOPConnect. SWOP NSW also provides some counselling services as well as warm referrals to sex worker friendly counsellors.

The aim of this resource is to combat harmful narratives around trafficking and modern slavery that lead to the stigmatisation and criminalisation of Asian migrant sex workers.

Context of the words “trafficking” & “slavery” in sex work

Modern slavery is a term used to describe serious exploitation. It does not include things like poor working conditions or low pay.

The Australian Government do not consider prison labour, unpaid work placements, or work for the dole programs as modern slavery.

Unfortunately, terms like ‘slavery’ and trafficking’ have been unfairly used to target sex workers. Many governments, both in Australia and overseas have used the excuse of tackling slavery & trafficking to criminalise, punish and stigmatise sex workers, especially migrant sex workers and sex workers whose first language is not English.

When sex work workplace exploitation is wrongly labelled as slavery or trafficking, it puts all sex workers, and especially Asian migrant sex workers, at greater risk of stigma, criminalisation, isolation and abuse from authorities e.g Operation Ingleenook,

and the targeted deportation of Asian migrant women. These conditions create division in our communities by positioning some migrant sex workers as victims and reinforcing the whorearchy.

In places like NSW, where sex work is mostly decriminalised, slavery and trafficking in the industry are rare. There is no evidence to suggest that the NSW sex industry holds a high risk for modern slavery or trafficking. In fact, some evidence repeatedly suggests that migrant labour exploitation is more likely to occur in other non sex work industries such as agriculture or hospitality than sex work. In any case, more adequate migration pathways, clear information, greater access to peer support (including resources and education) and improved protections for migrant workers are key recommendations to combat trafficking and slavery like conditions.

Australia’s prioritisation of border security and criminal justice response to labour exploitation are themselves significant enablers of trafficking, slavery and slavery-like practices.

A lack of anti-discrimination protections also creates barriers to reporting crimes against sex workers. The compounding of minority identities, little to no access to support, and a lack of anti-discrimination protections makes migrant sex workers more vulnerable to abuse in both workplace environments and domestic partnerships.

Accessing workplace rights for sex workers; sex work is real work.

Stigma and discrimination, subjection to raids, and the over-policing of migrant sex workers damages relationships between migrants and authorities. This results in underreporting and ongoing workplace health and safety violations.

Exploitation in the workplace, including in sex work, is a real issue and can be addressed by empowering sex workers to assert their workplace rights available to them under decriminalisation.

This might mean **reaching out to regulatory bodies like FairWork, SafeWork, or local councils, and seeking legal help** when needed.

Some migrant sex worker victims-survivors may be unwilling to report sexual and domestic violence due to the fear of detainment, deportation or negative impacts on pending partner or other visa applications, and future applications in Australia and other countries.

Without protection from deportation or other visa consequences, migrant sex workers are not able to report criminal offending and workplace crimes.

All sex workers deserve safe and fair workplaces, and access to real justice, rather than raids and “rescue” operations. Sex work workplaces can and do operate like any other business, and the human rights of all sex workers should be respected.

KNOW THE DIFFERENCE BETWEEN TRAFFICKING/SLAVERY AND POOR WORKING CONDITIONS

Poor working conditions are a labour issue and can be (sometimes anonymously) reported through the appropriate regulatory bodies when justice is available to victims regardless of their migrant status. To combat underreporting and to make workplace rights available to migrant sex workers, the Australian Government should implement a firewall between police and other government services with the Department of Home Affairs when reporting workplace crimes. Information sharing protocols must emphasise the safety of victim-survivors and their children. Reporting should not lead to the cancellation of a visa, deportation or any other negative immigration-related consequences.

Slavery-like offences identified by the Australian Government sometimes overlap with poor working conditions that could be resolved by approaching the appropriate regulatory bodies. In these cases, these conditions are used to conflate sex work related labour issues with sex trafficking.

Examples of poor working conditions:

- **Unpaid Earnings**
- **Deductions/Fines**
- **Debt owed to your employer:** If the debt has grossly unfair terms or exploitative circumstances surrounding it, or there is coercion in the way you accrued the debt, or lack of clarity/deception regarding repayment, it may be considered 'debt bondage.' This is covered under Slavery and Slavery-like offences.
- **Pressure to take clients**
- **Sexual harassment at work**

Some working conditions may fall under the Australian Government's definition of "modern slavery" or "trafficking" but are perfectly fine if done freely:

- **Debt owed to your employer:** It is legal for an employer to loan their staff money in some circumstances, and for their earnings to go towards that debt (this might include bonds). However, there are strict rules about deductions from pay towards a debt. Any bond must be repaid, and the terms and conditions of the debt/bond must be transparent, fair, and reasonable.
- **Passport being held:** Many migrant sex workers ask their employer to keep their passport in a safe place for them, especially when they are living at their workplace. Migrant sex workers experience fear and distrust from authorities due to overpolicing and raids, and they may ask their employer to keep their passports for safekeeping due to fear their documents may be taken if a raid occurred. When this is done freely and voluntarily, there is no issue. However, it is important to have accessible information for migrant workers regarding how to access lost or stolen documents.

About SWOP NSW

We are a not-for-profit, peer-based community organisation run by and for sex workers in NSW.

We provide:



Sexual health information & condoms, dams, gloves and lube (PPE)



Drug and alcohol information & injecting equipment



Peer support & counselling



Workplace Health & Safety information



Culturally & linguistically diverse team & resources (English, Chinese & Thai resources available)

Contact SWOP NSW



(02) 9184 9466



swopconnect@SWOP.org.au



swop.org.au

Other Resources

Immigrant Advice and Rights Centre (IARC)

Info line: (02) 8234 0700

Domestic Violence Priority Line:

(02) 8234 0777

iarc.org.au



MODERN SLAVERY AND TRAFFICKING; ADDRESSING MISCONCEPTIONS

- **Context of the words "trafficking" & "slavery" in sex work.**
- **Accessing workplace rights for sex workers.**
- **Examples of workplace exploitation.**

This is a SWOP NSW resource that is created for sex workers, by sex workers.